

**NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT**

**U.S. District Court for the District of Delaware**

**CIRCUIT COURT  
DOCKET NUMBER:** \_\_\_\_\_

(leave blank)

**FULL CAPTION IN DISTRICT COURT AS FOLLOWS:**

**DISTRICT COURT** Civil Action No.  
**DOCKET NUMBER:** 05-841-JJF

Bally Total Fitness Holding Corp.

**v.**  
Liberation Investments, L.P.  
Liberation Investments, Ltd.  
Liberation Investment Group L.L.C.  
Emanuel R. Pearlman

**DISTRICT COURT  
JUDGE:** Joseph J. Farnan

Notice is hereby given that Bally Total Fitness Holding Corp.

(Named Party)


appeals to the United States Court of Appeals for the Third Circuit from [ ] Judgment, [ ] Order,

[X] Other (specify) Order granting motion to dismiss preliminary

injunction proceedings as moot

entered in this action on December 22, 2005  
(date)

Dated: January 9, 2006

  
(Counsel for Appellant-Signature)

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**NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2006, a copy of the foregoing Notice of Appeal was served by CM/ECF upon the following attorney of record:

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